



Revenue Committee

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LRB095 06429 HLH 32128 a

1 AMENDMENT TO HOUSE BILL 1144

2 AMENDMENT NO. _____. Amend House Bill 1144 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-74.6-10 as follows:

6 (65 ILCS 5/11-74.6-10)

7 Sec. 11-74.6-10. Definitions.

8 (a) "Environmentally contaminated area" means any improved
9 or vacant area within the boundaries of a redevelopment project
10 area located within the corporate limits of a municipality
11 when, (i) there has been a determination of release or
12 substantial threat of release of a hazardous substance or
13 pesticide, by the United States Environmental Protection
14 Agency or the Illinois Environmental Protection Agency, or the
15 Illinois Pollution Control Board, or any court, or a release or

1 substantial threat of release which is addressed as part of the
2 Pre-Notice Site Cleanup Program under Section 22.2(m) of the
3 Illinois Environmental Protection Act, or a release or
4 substantial threat of release of petroleum under Section 22.12
5 of the Illinois Environmental Protection Act, and (ii) which
6 release or threat of release presents an imminent and
7 substantial danger to public health or welfare or presents a
8 significant threat to public health or the environment, and
9 (iii) which release or threat of release would have a
10 significant impact on the cost of redeveloping the area.

11 (b) "Department" means the Department of Commerce and
12 Economic Opportunity.

13 (c) "Industrial park" means an area in a redevelopment
14 project area suitable for use by any manufacturing, industrial,
15 research, or transportation enterprise, of facilities,
16 including but not limited to factories, mills, processing
17 plants, assembly plants, packing plants, fabricating plants,
18 distribution centers, warehouses, repair overhaul or service
19 facilities, freight terminals, research facilities, test
20 facilities or railroad facilities. An industrial park may
21 contain space for commercial and other use as long as the
22 expected principal use of the park is industrial and is
23 reasonably expected to result in the creation of a significant
24 number of new permanent full time jobs. An industrial park may
25 also contain related operations and facilities including, but
26 not limited to, business and office support services such as

1 centralized computers, telecommunications, publishing,
2 accounting, photocopying and similar activities and employee
3 services such as child care, health care, food service and
4 similar activities. An industrial park may also include
5 demonstration projects, prototype development, specialized
6 training on developing technology, and pure research in any
7 field related or adaptable to business and industry.

8 (d) "Research park" means an area in a redevelopment
9 project area suitable for development of a facility or complex
10 that includes research laboratories and related operations.
11 These related operations may include, but are not limited to,
12 business and office support services such as centralized
13 computers, telecommunications, publishing, accounting,
14 photocopying and similar activities, and employee services
15 such as child care, health care, food service and similar
16 activities. A research park may include demonstration
17 projects, prototype development, specialized training on
18 developing technology, and pure research in any field related
19 or adaptable to business and industry.

20 (e) "Industrial park conservation area" means an area
21 within the boundaries of a redevelopment project area located
22 within the corporate limits of a municipality or within 1 1/2
23 miles of the corporate limits of a municipality if the area is
24 to be annexed to the municipality, if the area is zoned as
25 industrial no later than the date on which the municipality by
26 ordinance designates the redevelopment project area, and if the

1 area includes improved or vacant land suitable for use as an
2 industrial park or a research park, or both. To be designated
3 as an industrial park conservation area, the area shall also
4 satisfy one of the following standards:

5 (1) Standard One: The municipality must be a labor
6 surplus municipality and the area must be served by
7 adequate public and or road transportation for access by
8 the unemployed and for the movement of goods or materials
9 and the redevelopment project area shall contain no more
10 than 2% of the most recently ascertained equalized assessed
11 value of all taxable real properties within the corporate
12 limits of the municipality after adjustment for all
13 annexations associated with the establishment of the
14 redevelopment project area or be located in the vicinity of
15 a waste disposal site or other waste facility. The project
16 plan shall include a plan for and shall establish a
17 marketing program to attract appropriate businesses to the
18 proposed industrial park conservation area and shall
19 include an adequate plan for financing and construction of
20 the necessary infrastructure. No redevelopment projects
21 may be authorized by the municipality under Standard One of
22 subsection (e) of this Section unless the project plan also
23 provides for an employment training project that would
24 prepare unemployed workers for work in the industrial park
25 conservation area, and the project has been approved by
26 official action of or is to be operated by the local

1 community college district, public school district or
2 state or locally designated private industry council or
3 successor agency, or

4 (2) Standard Two: The municipality must be a
5 substantial labor surplus municipality and the area must be
6 served by adequate public and or road transportation for
7 access by the unemployed and for the movement of goods or
8 materials and the redevelopment project area shall contain
9 no more than 2% of the most recently ascertained equalized
10 assessed value of all taxable real properties within the
11 corporate limits of the municipality after adjustment for
12 all annexations associated with the establishment of the
13 redevelopment project area. No redevelopment projects may
14 be authorized by the municipality under Standard Two of
15 subsection (e) of this Section unless the project plan also
16 provides for an employment training project that would
17 prepare unemployed workers for work in the industrial park
18 conservation area, and the project has been approved by
19 official action of or is to be operated by the local
20 community college district, public school district or
21 state or locally designated private industry council or
22 successor agency.

23 (f) "Vacant industrial buildings conservation area" means
24 an area containing one or more industrial buildings located
25 within the corporate limits of the municipality that has been
26 zoned industrial for at least 5 years before the designation of

1 that area as a redevelopment project area by the municipality
2 and is planned for reuse principally for industrial purposes.
3 For the area to be designated as a vacant industrial buildings
4 conservation area, the area shall also satisfy one of the
5 following standards:

6 (1) Standard One: The area shall consist of one or more
7 industrial buildings totaling at least 50,000 net square
8 feet of industrial space, with a majority of the total area
9 of all the buildings having been vacant for at least 18
10 months; and (A) the area is located in a labor surplus
11 municipality or a substantial labor surplus municipality,
12 or (B) the equalized assessed value of the properties
13 within the area during the last 2 years is at least 25%
14 lower than the maximum equalized assessed value of those
15 properties during the immediately preceding 10 years.

16 (2) Standard Two: The area exclusively consists of
17 industrial buildings or a building complex operated by a
18 user or related users (A) that has within the immediately
19 preceding 5 years either (i) employed 200 or more employees
20 at that location, or (ii) if the area is located in a
21 municipality with a population of 12,000 or less, employed
22 more than 50 employees at that location and (B) either is
23 currently vacant, or the owner has: (i) directly notified
24 the municipality of the user's intention to terminate
25 operations at the facility or (ii) filed a notice of
26 closure under the Worker Adjustment and Retraining

1 Notification Act.

2 (g) "Labor surplus municipality" means a municipality in
3 which, during the 4 calendar years immediately preceding the
4 date the municipality by ordinance designates an industrial
5 park conservation area, the average unemployment rate was 1% or
6 more over the State average unemployment rate for that same
7 period of time as published in the United States Department of
8 Labor Bureau of Labor Statistics publication entitled "The
9 Employment Situation" or its successor publication. For the
10 purpose of this subsection (g), if unemployment rate statistics
11 for the municipality are not available, the unemployment rate
12 in the municipality shall be deemed to be: (i) for a
13 municipality that is not in an urban county, the same as the
14 unemployment rate in the principal county where the
15 municipality is located or (ii) for a municipality in an urban
16 county at that municipality's option, either the unemployment
17 rate certified for the municipality by the Department after
18 consultation with the Illinois Department of Labor or the
19 federal Bureau of Labor Statistics, or the unemployment rate of
20 the municipality as determined by the most recent federal
21 census if that census was not dated more than 5 years prior to
22 the date on which the determination is made.

23 (h) "Substantial labor surplus municipality" means a
24 municipality in which, during the 5 calendar years immediately
25 preceding the date the municipality by ordinance designates an
26 industrial park conservation area, the average unemployment

1 rate was 2% or more over the State average unemployment rate
2 for that same period of time as published in the United States
3 Department of Labor Statistics publication entitled "The
4 Employment Situation" or its successor publication. For the
5 purpose of this subsection (h), if unemployment rate statistics
6 for the municipality are not available, the unemployment rate
7 in the municipality shall be deemed to be: (i) for a
8 municipality that is not in an urban county, the same as the
9 unemployment rate in the principal county in which the
10 municipality is located; or (ii) for a municipality in an urban
11 county, at that municipality's option, either the unemployment
12 rate certified for the municipality by the Department after
13 consultation with the Illinois Department of Labor or the
14 federal Bureau of Labor Statistics, or the unemployment rate of
15 the municipality as determined by the most recent federal
16 census if that census was not dated more than 5 years prior to
17 the date on which the determination is made.

18 (i) "Municipality" means a city, village or incorporated
19 town.

20 (j) "Obligations" means bonds, loans, debentures, notes,
21 special certificates or other evidence of indebtedness issued
22 by the municipality to carry out a redevelopment project or to
23 refund outstanding obligations.

24 (k) "Payment in lieu of taxes" means those estimated tax
25 revenues from real property in a redevelopment project area
26 derived from real property that has been acquired by a

1 municipality, which according to the redevelopment project or
2 plan are to be used for a private use, that taxing districts
3 would have received had a municipality not acquired the real
4 property and adopted tax increment allocation financing and
5 that would result from levies made after the time of the
6 adoption of tax increment allocation financing until the time
7 the current equalized assessed value of real property in the
8 redevelopment project area exceeds the total initial equalized
9 assessed value of real property in that area.

10 (1) "Redevelopment plan" means the comprehensive program
11 of the municipality for development or redevelopment intended
12 by the payment of redevelopment project costs to reduce or
13 eliminate the conditions that qualified the redevelopment
14 project area or redevelopment planning area, or both, as an
15 environmentally contaminated area or industrial park
16 conservation area, or vacant industrial buildings conservation
17 area, or combination thereof, and thereby to enhance the tax
18 bases of the taxing districts that extend into the
19 redevelopment project area or redevelopment planning area. On
20 and after the effective date of this amendatory Act of the 91st
21 General Assembly, no redevelopment plan may be approved or
22 amended to include the development of vacant land (i) with a
23 golf course and related clubhouse and other facilities or (ii)
24 designated by federal, State, county, or municipal government
25 as public land for outdoor recreational activities or for
26 nature preserves and used for that purpose within 5 years prior

1 to the adoption of the redevelopment plan. For the purpose of
2 this subsection, "recreational activities" is limited to mean
3 camping and hunting. Each redevelopment plan must set forth in
4 writing the bases for the municipal findings required in this
5 subsection, the program to be undertaken to accomplish the
6 objectives, including but not limited to: (1) an itemized list
7 of estimated redevelopment project costs, (2) evidence
8 indicating that the redevelopment project area or the
9 redevelopment planning area, or both, on the whole has not been
10 subject to growth and development through investment by private
11 enterprise, (3) (i) in the case of an environmentally
12 contaminated area, industrial park conservation area, or a
13 vacant industrial buildings conservation area classified under
14 either Standard One, or Standard Two of subsection (f) where
15 the building is currently vacant, evidence that implementation
16 of the redevelopment plan is reasonably expected to create a
17 significant number of permanent full time jobs, (ii) in the
18 case of a vacant industrial buildings conservation area
19 classified under Standard Two (B) (i) or (ii) of subsection (f),
20 evidence that implementation of the redevelopment plan is
21 reasonably expected to retain a significant number of existing
22 permanent full time jobs, and (iii) in the case of a
23 combination of an environmentally contaminated area,
24 industrial park conservation area, or vacant industrial
25 buildings conservation area, evidence that the standards
26 concerning the creation or retention of jobs for each area set

1 forth in (i) or (ii) above are met, (4) an assessment of the
2 financial impact of the redevelopment project area or the
3 redevelopment planning area, or both, on the overlapping taxing
4 bodies or any increased demand for services from any taxing
5 district affected by the plan and any program to address such
6 financial impact or increased demand, (5) the sources of funds
7 to pay costs, (6) the nature and term of the obligations to be
8 issued, (7) the most recent equalized assessed valuation of the
9 redevelopment project area or the redevelopment planning area,
10 or both, (8) an estimate of the equalized assessed valuation
11 after redevelopment and the general land uses that are applied
12 in the redevelopment project area or the redevelopment planning
13 area, or both, (9) a commitment to fair employment practices
14 and an affirmative action plan, (10) if it includes an
15 industrial park conservation area, the following: (i) a general
16 description of any proposed developer, (ii) user and tenant of
17 any property, (iii) a description of the type, structure and
18 general character of the facilities to be developed, and (iv) a
19 description of the type, class and number of new employees to
20 be employed in the operation of the facilities to be developed,
21 (11) if it includes an environmentally contaminated area, the
22 following: either (i) a determination of release or substantial
23 threat of release of a hazardous substance or pesticide or of
24 petroleum by the United States Environmental Protection Agency
25 or the Illinois Environmental Protection Agency, or the
26 Illinois Pollution Control Board or any court; or (ii) both an

1 environmental audit report by a nationally recognized
2 independent environmental auditor having a reputation for
3 expertise in these matters and a copy of the signed Review and
4 Evaluation Services Agreement indicating acceptance of the
5 site by the Illinois Environmental Protection Agency into the
6 Pre-Notice Site Cleanup Program, (12) if it includes a vacant
7 industrial buildings conservation area, the following: (i) a
8 general description of any proposed developer, (ii) user and
9 tenant of any building or buildings, (iii) a description of the
10 type, structure and general character of the building or
11 buildings to be developed, and (iv) a description of the type,
12 class and number of new employees to be employed or existing
13 employees to be retained in the operation of the building or
14 buildings to be redeveloped, and (13) if property is to be
15 annexed to the municipality, the terms of the annexation
16 agreement.

17 No redevelopment plan shall be adopted by a municipality
18 without findings that:

19 (1) the redevelopment project area or redevelopment
20 planning area, or both, on the whole has not been subject
21 to growth and development through investment by private
22 enterprise and would not reasonably be anticipated to be
23 developed in accordance with public goals stated in the
24 redevelopment plan without the adoption of the
25 redevelopment plan;

26 (2) the redevelopment plan and project conform to the

1 comprehensive plan for the development of the municipality
2 as a whole, or, for municipalities with a population of
3 100,000 or more, regardless of when the redevelopment plan
4 and project was adopted, the redevelopment plan and project
5 either: (i) conforms to the strategic economic development
6 or redevelopment plan issued by the designated planning
7 authority of the municipality or (ii) includes land uses
8 that have been approved by the planning commission of the
9 municipality;

10 (3) that the redevelopment plan is reasonably expected
11 to create or retain a significant number of permanent full
12 time jobs as set forth in paragraph (3) of subsection (1)
13 above;

14 (4) the estimated date of completion of the
15 redevelopment project and retirement of obligations
16 incurred to finance redevelopment project costs is not
17 later than December 31 of the year in which the payment to
18 the municipal treasurer as provided in subsection (b) of
19 Section 11-74.6-35 is to be made with respect to ad valorem
20 taxes levied in the twenty-third calendar year after the
21 year in which the ordinance approving the redevelopment
22 project area is adopted; a municipality may by municipal
23 ordinance amend an existing redevelopment plan to conform
24 to this paragraph (4) as amended by this amendatory Act of
25 the 91st General Assembly concerning ordinances adopted on
26 or after January 15, 1981, which municipal ordinance may be

1 adopted without further hearing or notice and without
2 complying with the procedures provided in this Law
3 pertaining to an amendment to or the initial approval of a
4 redevelopment plan and project and designation of a
5 redevelopment project area;

6 (5) in the case of an industrial park conservation
7 area, that the municipality is a labor surplus municipality
8 or a substantial labor surplus municipality and that the
9 implementation of the redevelopment plan is reasonably
10 expected to create a significant number of permanent full
11 time new jobs and, by the provision of new facilities,
12 significantly enhance the tax base of the taxing districts
13 that extend into the redevelopment project area;

14 (6) in the case of an environmentally contaminated
15 area, that the area is subject to a release or substantial
16 threat of release of a hazardous substance, pesticide or
17 petroleum which presents an imminent and substantial
18 danger to public health or welfare or presents a
19 significant threat to public health or environment, that
20 such release or threat of release will have a significant
21 impact on the cost of redeveloping the area, that the
22 implementation of the redevelopment plan is reasonably
23 expected to result in the area being redeveloped, the tax
24 base of the affected taxing districts being significantly
25 enhanced thereby, and the creation of a significant number
26 of permanent full time jobs; and

1 (7) in the case of a vacant industrial buildings
2 conservation area, that the area is located within the
3 corporate limits of a municipality that has been zoned
4 industrial for at least 5 years before its designation as a
5 project redeveloped area, that it contains one or more
6 industrial buildings, and whether the area has been
7 designated under Standard One or Standard Two of subsection
8 (f) and the basis for that designation.

9 (m) "Redevelopment project" means any public or private
10 development project in furtherance of the objectives of a
11 redevelopment plan. On and after the effective date of this
12 amendatory Act of the 91st General Assembly, no redevelopment
13 plan may be approved or amended to include the development of
14 vacant land (i) with a golf course and related clubhouse and
15 other facilities or (ii) designated by federal, State, county,
16 or municipal government as public land for outdoor recreational
17 activities or for nature preserves and used for that purpose
18 within 5 years prior to the adoption of the redevelopment plan.
19 For the purpose of this subsection, "recreational activities"
20 is limited to mean camping and hunting.

21 (n) "Redevelopment project area" means a contiguous area
22 designated by the municipality that is not less in the
23 aggregate than 1 1/2 acres, and for which the municipality has
24 made a finding that there exist conditions that cause the area
25 to be classified as an industrial park conservation area, a
26 vacant industrial building conservation area, an

1 environmentally contaminated area or a combination of these
2 types of areas.

3 (o) "Redevelopment project costs" means the sum total of
4 all reasonable or necessary costs incurred or estimated to be
5 incurred by the municipality, and any of those costs incidental
6 to a redevelopment plan and a redevelopment project. These
7 costs include, without limitation, the following:

8 (1) Costs of studies, surveys, development of plans,
9 and specifications, implementation and administration of
10 the redevelopment plan, staff and professional service
11 costs for architectural, engineering, legal, marketing,
12 financial, planning, or other services, but no charges for
13 professional services may be based on a percentage of the
14 tax increment collected; except that on and after the
15 effective date of this amendatory Act of the 91st General
16 Assembly, no contracts for professional services,
17 excluding architectural and engineering services, may be
18 entered into if the terms of the contract extend beyond a
19 period of 3 years. In addition, "redevelopment project
20 costs" shall not include lobbying expenses. After
21 consultation with the municipality, each tax increment
22 consultant or advisor to a municipality that plans to
23 designate or has designated a redevelopment project area
24 shall inform the municipality in writing of any contracts
25 that the consultant or advisor has entered into with
26 entities or individuals that have received, or are

1 receiving, payments financed by tax increment revenues
2 produced by the redevelopment project area with respect to
3 which the consultant or advisor has performed, or will be
4 performing, service for the municipality. This requirement
5 shall be satisfied by the consultant or advisor before the
6 commencement of services for the municipality and
7 thereafter whenever any other contracts with those
8 individuals or entities are executed by the consultant or
9 advisor;

10 (1.5) After July 1, 1999, annual administrative costs
11 shall not include general overhead or administrative costs
12 of the municipality that would still have been incurred by
13 the municipality if the municipality had not designated a
14 redevelopment project area or approved a redevelopment
15 plan;

16 (1.6) The cost of marketing sites within the
17 redevelopment project area to prospective businesses,
18 developers, and investors.

19 (2) Property assembly costs within a redevelopment
20 project area, including but not limited to acquisition of
21 land and other real or personal property or rights or
22 interests therein.

23 (3) Site preparation costs, including but not limited
24 to clearance of any area within a redevelopment project
25 area by demolition or removal of any existing buildings,
26 structures, fixtures, utilities and improvements and

1 clearing and grading; and including installation, repair,
2 construction, reconstruction, or relocation of public
3 streets, public utilities, and other public site
4 improvements within or without a redevelopment project
5 area which are essential to the preparation of the
6 redevelopment project area for use in accordance with a
7 redevelopment plan.

8 (4) Costs of renovation, rehabilitation,
9 reconstruction, relocation, repair or remodeling of any
10 existing public or private buildings, improvements, and
11 fixtures within a redevelopment project area; and the cost
12 of replacing an existing public building if pursuant to the
13 implementation of a redevelopment project the existing
14 public building is to be demolished to use the site for
15 private investment or devoted to a different use requiring
16 private investment.

17 (5) Costs of construction within a redevelopment
18 project area of public improvements, including but not
19 limited to, buildings, structures, works, utilities or
20 fixtures, except that on and after the effective date of
21 this amendatory Act of the 91st General Assembly,
22 redevelopment project costs shall not include the cost of
23 constructing a new municipal public building principally
24 used to provide offices, storage space, or conference
25 facilities or vehicle storage, maintenance, or repair for
26 administrative, public safety, or public works personnel

1 and that is not intended to replace an existing public
2 building as provided under paragraph (4) unless either (i)
3 the construction of the new municipal building implements a
4 redevelopment project that was included in a redevelopment
5 plan that was adopted by the municipality prior to the
6 effective date of this amendatory Act of the 91st General
7 Assembly or (ii) the municipality makes a reasonable
8 determination in the redevelopment plan, supported by
9 information that provides the basis for that
10 determination, that the new municipal building is required
11 to meet an increase in the need for public safety purposes
12 anticipated to result from the implementation of the
13 redevelopment plan.

14 (6) Costs of eliminating or removing contaminants and
15 other impediments required by federal or State
16 environmental laws, rules, regulations, and guidelines,
17 orders or other requirements or those imposed by private
18 lending institutions as a condition for approval of their
19 financial support, debt or equity, for the redevelopment
20 projects, provided, however, that in the event (i) other
21 federal or State funds have been certified by an
22 administrative agency as adequate to pay these costs during
23 the 18 months after the adoption of the redevelopment plan,
24 or (ii) the municipality has been reimbursed for such costs
25 by persons legally responsible for them, such federal,
26 State, or private funds shall, insofar as possible, be

1 fully expended prior to the use of any revenues deposited
2 in the special tax allocation fund of the municipality and
3 any other such federal, State or private funds received
4 shall be deposited in the fund. The municipality shall seek
5 reimbursement of these costs from persons legally
6 responsible for these costs and the costs of obtaining this
7 reimbursement.

8 (7) Costs of job training and retraining projects.

9 (8) Financing costs, including but not limited to all
10 necessary and incidental expenses related to the issuance
11 of obligations and which may include payment of interest on
12 any obligations issued under this Act including interest
13 accruing during the estimated period of construction of any
14 redevelopment project for which the obligations are issued
15 and for not exceeding 36 months thereafter and including
16 reasonable reserves related to those costs.

17 (9) All or a portion of a taxing district's capital
18 costs resulting from the redevelopment project necessarily
19 incurred or to be incurred in furtherance of the objectives
20 of the redevelopment plan and project, to the extent the
21 municipality by written agreement accepts and approves
22 those costs.

23 (10) Relocation costs to the extent that a municipality
24 determines that relocation costs shall be paid or is
25 required to make payment of relocation costs by federal or
26 State law.

1 (11) Payments in lieu of taxes.

2 (12) Costs of job training, retraining, advanced
3 vocational education or career education, including but
4 not limited to courses in occupational, semi-technical or
5 technical fields leading directly to employment, incurred
6 by one or more taxing districts, if those costs are: (i)
7 related to the establishment and maintenance of additional
8 job training, advanced vocational education or career
9 education programs for persons employed or to be employed
10 by employers located in a redevelopment project area; and
11 (ii) are incurred by a taxing district or taxing districts
12 other than the municipality and are set forth in a written
13 agreement by or among the municipality and the taxing
14 district or taxing districts, which agreement describes
15 the program to be undertaken, including but not limited to
16 the number of employees to be trained, a description of the
17 training and services to be provided, the number and type
18 of positions available or to be available, itemized costs
19 of the program and sources of funds to pay for the same,
20 and the term of the agreement. These costs include,
21 specifically, the payment by community college districts
22 of costs under Sections 3-37, 3-38, 3-40 and 3-40.1 of the
23 Public Community College Act and by school districts of
24 costs under Sections 10-22.20a and 10-23.3a of the School
25 Code.

26 (13) The interest costs incurred by redevelopers or

1 other nongovernmental persons in connection with a
2 redevelopment project, and specifically including payments
3 to redevelopers or other nongovernmental persons as
4 reimbursement for such costs incurred by such redeveloper
5 or other nongovernmental person, provided that:

6 (A) interest costs shall be paid or reimbursed by a
7 municipality only pursuant to the prior official
8 action of the municipality evidencing an intent to pay
9 or reimburse such interest costs;

10 (B) such payments in any one year may not exceed
11 30% of the annual interest costs incurred by the
12 redeveloper with regard to the redevelopment project
13 during that year;

14 (C) except as provided in subparagraph (E), the
15 aggregate amount of such costs paid or reimbursed by a
16 municipality shall not exceed 30% of the total (i)
17 costs paid or incurred by the redeveloper or other
18 nongovernmental person in that year plus (ii)
19 redevelopment project costs excluding any property
20 assembly costs and any relocation costs incurred by a
21 municipality pursuant to this Act;

22 (D) interest costs shall be paid or reimbursed by a
23 municipality solely from the special tax allocation
24 fund established pursuant to this Act and shall not be
25 paid or reimbursed from the proceeds of any obligations
26 issued by a municipality;

1 (E) if there are not sufficient funds available in
2 the special tax allocation fund in any year to make
3 such payment or reimbursement in full, any amount of
4 such interest cost remaining to be paid or reimbursed
5 by a municipality shall accrue and be payable when
6 funds are available in the special tax allocation fund
7 to make such payment.

8 (14) The costs of construction of new privately owned
9 buildings shall not be an eligible redevelopment project
10 cost.

11 If a special service area has been established under the
12 Special Service Area Tax Act, then any tax increment revenues
13 derived from the tax imposed thereunder to the Special Service
14 Area Tax Act may be used within the redevelopment project area
15 for the purposes permitted by that Act as well as the purposes
16 permitted by this Act.

17 (p) "Redevelopment Planning Area" means an area so
18 designated by a municipality after the municipality has
19 complied with all the findings and procedures required to
20 establish a redevelopment project area, including the
21 existence of conditions that qualify the area as an industrial
22 park conservation area, or an environmentally contaminated
23 area, or a vacant industrial buildings conservation area, or a
24 combination of these types of areas, and adopted a
25 redevelopment plan and project for the planning area and its
26 included redevelopment project areas. The area shall not be

1 designated as a redevelopment planning area for more than 5
2 years, or 10 years in the case of a redevelopment planning area
3 in the City of Rockford. At any time in the 5 years, or 10 years
4 in the case of the City of Rockford, following that designation
5 of the redevelopment planning area, the municipality may
6 designate the redevelopment planning area, or any portion of
7 the redevelopment planning area, as a redevelopment project
8 area without making additional findings or complying with
9 additional procedures required for the creation of a
10 redevelopment project area. An amendment of a redevelopment
11 plan and project in accordance with the findings and procedures
12 of this Act after the designation of a redevelopment planning
13 area at any time within the 5 years after the designation of
14 the redevelopment planning area, or 10 years after the
15 designation of the redevelopment planning area in the City of
16 Rockford, shall not require new qualification of findings for
17 the redevelopment project area to be designated within the
18 redevelopment planning area.

19 The terms "redevelopment plan", "redevelopment project",
20 and "redevelopment project area" have the definitions set out
21 in subsections (l), (m), and (n), respectively.

22 (q) "Taxing districts" means counties, townships,
23 municipalities, and school, road, park, sanitary, mosquito
24 abatement, forest preserve, public health, fire protection,
25 river conservancy, tuberculosis sanitarium and any other
26 municipal corporations or districts with the power to levy

1 taxes.

2 (r) "Taxing districts' capital costs" means those costs of
3 taxing districts for capital improvements that are found by the
4 municipal corporate authorities to be necessary and a direct
5 result of the redevelopment project.

6 (s) "Urban county" means a county with 240,000 or more
7 inhabitants.

8 (t) "Vacant area", as used in subsection (a) of this
9 Section, means any parcel or combination of parcels of real
10 property without industrial, commercial and residential
11 buildings that has not been used for commercial agricultural
12 purposes within 5 years before the designation of the
13 redevelopment project area, unless that parcel is included in
14 an industrial park conservation area.

15 (Source: P.A. 94-793, eff. 5-19-06.)".